

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SWAMIJI SRI SELVAN SIDDHAR,

Plaintiff,

-against-

VIOLET RAJKUMAR, et al.,

Defendants.

16-CV-1984 (LAP)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LORETTA A. PRESKA, United States District Judge:

Plaintiff, currently incarcerated at the United States Penitentiary in Marion, Illinois, files this action *pro se*. Because Plaintiff did not pay the filing fee or submit a prisoner authorization form, the Court directed him to do so on April 1, 2016. On June 8, 2016, Plaintiff filed a “notice of dismissal without prejudice.” (ECF¹ No. 8.)

The Court has learned since the date it issued the April 1, 2016 order that Plaintiff has been declared a vexatious litigant by the 151st Civil Court, Harris County, Texas, and by the United States District Court for the Northern District of Georgia. *See Hindu Temple and Community Center of High Desert, Inc. v. Kepner*, 1:12-CV-2941(SCJ) (N.D. Ga. Mar. 28, 2013) (ECF No. 111).

On November 5, 2013, Plaintiff was indicted in the Northern District of Georgia. *United States v. Annamalai*, No. 1:13-CR-437-1 (N.D. Ga.). In the criminal proceedings, the Government stated that Plaintiff, both before and after conviction, had demonstrated a commitment to filing malicious lawsuits and asked the Court to order him to not file frivolous, abusive, or malicious lawsuits against former customers of his Hindu Temple business and victims of his criminal schemes. On July 16, 2015, the district court ordered that, while incarcerated and on supervised release, Plaintiff “shall not file frivolous, abusive, or malicious lawsuits against . . . former customers of the Hindu Temple and related entities, and victims of his criminal schemes” *Id.* at ECF No. 355 at 2-3.

¹ ECF refers to this Court’s electronic case filing system.

Because this complaint relates to Plaintiff's former Hindu Temple business and is in direct violation of the July 16, 2015 judgment and commitment imposed in *United States v. Annamalai*, No. 13-CR-437-1 (N.D. Ga.), the Court dismisses this action.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is also directed to vacate the April 1, 2006 order. (ECF No. 6.) Plaintiff's motion for preliminary injunction (ECF No. 2); motion to appoint Marshal to serve summons and complaint (ECF No. 4); and motion to request additional time to "reopen the case" (ECF No. 7) are denied as moot. Plaintiff's notice of dismissal is also denied as moot.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 17, 2016
New York, New York



LORETTA A. PRESKA
United States District Judge